

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
MARCEL CLADY [3],
Defendant.

Case No.: 3:13-cr-00493-GPC-3

**ORDER DENYING MOTION FOR
REDUCTION OF SENTENCE
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

[ECF No. 113]

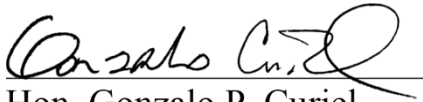
On April 23, 2014, Marcel Clady (“Defendant”) was sentenced to a custodial term of 100 months for a conviction of importation of methamphetamine. (*See* ECF No. 95.) Defendant originally received a fast-track downward departure under USSG § 5K3.1 and a variance under 18 U.S.C. § 3553(e). In 2014, the United States Sentencing Commission promulgated Amendment 782 (“Drugs Minus 2”), which, effective November 1, 2014, lowered the base offense levels for most drug quantities in USSG § 2D1.1(c), and made this change retroactive via Amendment 788. *See also* USSG § 1B1.10(c).

On June 16, 2016, *nunc pro tunc* to August 10, 2015, Defendant filed a motion for reduction of sentence under 18 U.S.C. § 3582(c). (ECF No. 113.) The Government filed an opposition the same day. (ECF No. 115.) Finding that Defendant received a 5–level downward variance under 18 U.S.C. 3553(e), which included waiver of any motion for

1 retroactive application of changes to the drug quantity table, the Court **DENIES**
2 Defendant's motion for a sentence reduction under 18 U.S.C. § 3582(c)(2).

3 **IT IS SO ORDERED.**

4 Dated: June 20, 2016

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6 Hon. Gonzalo P. Curiel
7 United States District Judge
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